UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,546	01/11/2002	Ramesh Pendakur	42390P11551	9133

8791 7590 07/13/2006	EXAMINER
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030	CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/2/02

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities:

In claim 18, line 1, "claim 18" should be changed to ---claim 16--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6-9, 11, 13, 15-16, 19, 21-24, 27, 29-30, are rejected under 35

U.S.C. 102(b) as being anticipated by Herz (5758257).

As for claims 1 and 24, Herz teaches a method and machine readable medium

(502 – Fig. 5) having stored thereon data representing sequences of instructions which

when executed by a processor, cause the processor to:

generate content to be broadcast from a content provider system (402 – Fig. 5)

by embedding content descriptors and metadata (content profile) within content data

(video program or EPG data) stored on the content provider system – (Content profile

describe the content/characteristics of the video program - col. 9, line 65 – col. 10, line

2, col. 25, lines 2-6);

broadcast said content to at least one receiver (412 – Fig. 5) connected with said

content provider system via a network (Fig. 5) – col. 46, lines 54-60, lines 25-43;

receive said content at the receiver – col. 46, lines 54-60, lines 25-43;

selectively caching or presenting said content at the receiver based on a

comparison (agreement matrix) of the content descriptors and metadata embedded in

the content and user preference data (customer profile) stored on the receiver – col. 25,

lines 16-30;

accumulate user preferences regarding content received – col. 41, lines 25-41;

transmit said user preferences from the receiver – col. 41, lines 59-65; 508 –

Fig. 5; and

modifying (update) future content to be broadcast based on said user

preferences – col. 42, lines 12-20.

As for claim 4, 11, 13, 21, 27, Herz teaches wherein said accumulating user

preferences comprises requesting active user feedback regarding the user's opinion of

the content – col. 14, lines 10-35.

As for claim 6, 22, 29 Herz teaches wherein said accumulating user preferences

comprises passive user participation by gathering information regarding the user's

pattern of consuming content without requesting direct feedback from the user – col. 41,

lines 25-41 lines 59-65, col. 42, lines 14-20.

As for claim 7, 15, 23, 30, Herz teaches wherein said transmitting said user preferences is preformed via a persistent back-channel (telephone system return and CATV system return) between the receiver and the content provider system – col. 41, lines 42-46.

Claim 8 contains the limitations of claims 1 and 19 and is analyzed as previously discussed with respect to that claim. Claim 8 additionally calls for the following:

broadcast content over a first network (404 – Fig. 5) connected with the content provider system (402 – Fig. 5) – col. 4, line 64 – col. 42, line 7,

receive feedback (508 – Fig. 5) regarding user preferences via a feedback channel connected with the content provider (The feedback channel between STB 412 and 508 is connected to 402 via 404 and 504) – col. 41, lines 59- col. 42, line 10, and

a head-end (502 – Fig. 5) connected with said first network to receive content from the content provider system, encapsulate said content within a multiplex, and transmit said multiplex over a second network (410 – Fig. 5) connected with the head-end (Referring, to Fig. 5, the headend receives channels of content from 404 which it multiplexes and transmits to nodes 410. - col. 41, lines 59- col. 42, line 10);

a receiver (412 – Fig. 5) connected with said second network to receive the multiplex from the head-end – col. 46, lines 54-60, lines 25-43.

As for claim 9, Herz teaches wherein said receiver caches content containing content descriptors that match said user preference data stored on the receiver – col. 45, lines 14-23.

As for claim 16, Herz teaches a content provider system comprising:

a playlist composition subsystem (504 – Fig. 5) to embed content descriptors and metadata (content profile) within content data (video program or EPG data) stored on the content provider system (502- Fig. 5) – col. 25, lines 2-6;

a transmitter (504 – Fig. 5) to broadcast said content over a first network (410 – Fig. 5) connected with the content provider system – col. 42, lines 1-5;

a channel rating analysis subsystem (508 – Fig. 5) to receive feedback regarding user preferences (customer profile) via a feedback channel connected with the content provider, and modify future content broadcasts based on said feedback – col. 41, lines 59-65, col. 42, lines 12-20.

As for claim 19, Herz teaches a receiver comprising:

a receiver (412 – Fig. 5) connected with a network (Fig. 5) to receive broadcast multiplex from a content provider system (502 – Fig. 5) wherein the multiplex contains content descriptors and metadata (content profile) within content data (video program or EPG data) – col. 25, lines 2-6;

a de-multiplexer (906 – Fig. 9) to de-multiplex the multiplex to extract the content data from the content provider system and receive content – col. 45, lines 17-23; and

an application (908 – Fig. 9) to selectively cache or present the content based on

a comparison of the content descriptors and metadata embedded in the content and

user preference data stored on the receiver – col. 29, lines 16-30,

accumulate user preferences regarding content received – col. 41, lines 25-41,

and

transmit said user preferences via a feedback channel coupled with the receiver

– col. 41, lines 59-65.

4. Claims 2, 3, 10, 20, 25, 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Herz as applied to claim 1/2/19/24/25 above, and further in view

of Kermode (6018359).

As for claims 2, 3, 10, 20, 25, 26, Herz fails to teach wherein said receiving said

content comprises caching the content on to a hard disk drive within the receiver.

In an analogous art, Kermode teaches wherein said receiving said content

comprises caching the content on to a hard disk drive within the receiver in order to

temporarily store the content until it is consumed such that memory is not used up – col.

5, lines 34-41.

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify Herz's invention to include wherein said receiving said

content comprises caching the content on to a hard disk drive within the receiver, as

taught by Kermode, for the advantage of temporarily storing the content until it is

consumed such that memory is not used up.

5. Claims 5, 12, 18, and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Herz as applied to claim 1/16/24 above, and further in view of Diwan

(6801936).

As for claims 5, 12, 18, 28 Herz fails to teach wherein said broadcasting

comprises transmitting a digital data service via an IP multicast.

In an analogous art, Diwan teaches broadcasting comprises transmitting a digital

data service via an IP multicast in order to provide a powerful mechanism by which to

distribute information to a very large number of subscribers from a single source - col.

2, lines 41-52.

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify Herz's invention to include broadcasting comprises

transmitting a digital data service via an IP multicast, as taught by Diwan, for the

advantage of providing a powerful mechanism by which to distribute information to a

very large number of subscribers from a single source.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz as

applied to claim 16 above, and further in view of Bigham (5544161).

As for claim 17, Herz fails to teach wherein said first network comprises an Asynchronous Transfer Mode (ATM) backbone.

In an analogous art, Bigham teaches wherein the network comprises an ATM backbone in order to provide centralized control processing and local distribution of video data – col. 40, lines 26-40

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Herz's invention to include wherein the network comprises an ATM backbone, as taught by Bigham, for the advantage of providing centralized control processing and local distribution of video data.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz as applied to claim 8 above, and further in view of Del Sesto (6530082).

As for claim 14, Herz fails to teach wherein said multiplex comprises an MPEG2 multiplex.

In an analogous art, Del Sesto teaches transmitting data using mpeg2 multiplex – col. 7, lines 65-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Herz's invention to include wherein said multiplex comprises an MPEG2 multiplex, as taught by Del Sesto, for the advantage of multiplexing data using a standard which uses minimal space yet retains excellent video quality.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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